REMARKS

Claims 1-19 are pending in this application. By the Office Action, the specification is objected to; claims 1-19 are rejected to under 35 U.S.C. §112; claims 1, 13, 14 and 18 are rejected under 35 U.S.C. §102; and claims 1-19 are rejected under 35 U.S.C. §103. By this Amendment, claims 1-19 are amended. No new matter is introduced through these amendments. Support for the amendments can be found in the specification. See pages 2-3 and 6-7. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

I. The Specification Satisfies All Formal Requirements

The Office Action objects to the specification based on informalities. By this Amendment, various headings have been inserted into the body of the specification to obviate these informalities. Accordingly, reconsideration and withdrawal of the objection to the specification are respectfully requested.

II. Rejection Under 35 U.S.C. §112

The Office Action rejects claims 1-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant respectfully traverses the rejection.

By this Amendment, claims 1, 2 and 16 are amended to cure these informalities and obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1, 13, 14 and 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,140,320 to Gerbier et al. (hereinafter "Gerbier"). Applicant respectfully traverses the rejection.

By this Amendment, claim 1 is amended to recite a remote control comprising *inter alia*, a detection means for detecting every position occupied by the head end of the first pushrod, the positions including a rest position, a depressed position and a protruding position. Support for these amendments can be found in the specification (See pages 2-3 and 6-7). As to at least the amended independent claim 1, Gerbier does not teach such a remote control device having a detection means for detecting every position, these positions including the rest position, depressed position and protruding position of the first push rod and therefore at least claim 1 of the present application is not anticipated by and thus is patentable over Gerbier.

Gerbier discloses a remote control device having a body (25) comprising a cavity with at least one pushrod (27) which runs between a head end (28) and a foot end (27), and a handle (22) comprising a transverse skirt (23) which is mounted to pivot (24) with respect to the body (25) opposite the top face of the body to control and back and forth movement of the pushrod (27), the skirt (23) resting against the head end (28) of the pushrod), and the axis of the handle (22) making a variable acute angle with the axis of the pushrod (27) (Gerbier, col. 3, line 37 - col. 4, line 7; Fig. 1). The pushrod in Gerbier is mounted to slide back and forth in at least one cavity (26) of the body in an axial direction between a rest position and a depressed position. A first elastic means (29) associated with the pushrods (27) push them permanently upwards so that the head end (28) of the pushrod bears against a cam (23) when the cam is inclined to its side by actuation of the handle and urges the head end (28) of the pushrod toward its rest position (Gerbier, col. 3, lines 39 - 59; Fig. 1).

As a result, Gerbier fails to teach or anticipate a remote controller device having the following: (1) at least the head end of the first pushrod able to move toward a protruding position on the opposite side of the rest position to the depressed position; (2) a first elastic means for urging the head end of the pushrod toward its protruding position; and (3) a remote

controller having a detection means for detecting every position of the first push rod, including its protruding, rest and depressed positions, as positively recited in independent claim 1 of the present application. Conversely, the pushrod in Gerbier is *only* capable of limited movement between a rest position and a depressed position (Gerbier, Fig. 1) and does not reach a protruding position, as claimed in the present application (See Fig. 5).

For at least the foregoing reasons, Applicant respectfully submits that Gerbier fails to teach or anticipate a remote control device comprising *inter alia*, the head end of a first pushrod capable of moving toward a protruding position on the opposite side of its rest position to the depressed position, a first elastic means for urging the head end of the first pushrod toward its protruding position, and a detection means for detecting every position occupied by the head end of the first pushrod, the positions including a rest position, a depressed position and a protruding position, as recited in amended independent claim 1 of the present application.

Claims 13, 14 and 18 variously depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. §103(a)

A. Claims 1-18

The Office Action rejects claims 1-18 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,823,227 to Hori et al. (hereinafter "Hori") in view of U.S. Patent No. 5,320,123 to Corso et al. (hereinafter "Corso"). Applicant respectfully traverses the rejection.

The Office Action concedes in its assertion that the valve of Hori fails to describe a detection means in its device. The Office Action relies on Corso to overcome this deficiency of Hori. This assertion of the Office Action is incorrect for at least the following reasons.

Hori discloses a valve having an upper body (3) with at least one cavity (16) running between an open end opening to at least a top face of the body and an end opposite the open end at the bottom; at least one first pushrod (5-1) running between a head end (13) and a foot end (14, 16b) which is mounted to slide back and forth in at least one cavity of the body and intended to control at least a first receiver external to the remote control; and a handle (6) having a transverse skirt (8) mounted to pivot (7) with respect to the body opposite the top face of the body to control back and forth movement of the first pushrod (5-1), the axis of the handle forming a variable acute angle with respect to the axis of the pushrod (Hori, col. 3, lines 25-53; Fig. 1). The head end of the first pushrod (5-1) is capable of moving toward a protruding position (Hori, Fig. 2, col. 5, lines 2-3 and 8-12) on the opposite side of the rest position to the depressed position. A first elastic spring means (18) urges the head end of the pushrod (5-1) to ward its protruding position so that at least the head end (13) of the first pushrod (5-1) has an autonomous upward movement.

Contrary to the assertion made by the Office Action, Hori discloses a detection means (4-1, 4-2) located in the lower body (2) of the valve (Hori, col. 3, lines 35-41). The detection means (4-1) is coupled to the pushrod (5-1, 15) in the depressed position in order for this position to be detected (Hori, Fig. 1). However, the detection means (4-1) abuts against the plate (28) during upward movement of the pushrod and as a result the detection means is not coupled to the pushrod in its protruding position (Hori, Fig. 1) and thus fails to detect the pushrod when it is in its protruding position, as claimed in independent claim 1 of the present application.

Corso does not overcome the deficiencies in Horso. Corso discloses a valve having a magnetically sensitive component used to detect the magnetic field provided by the permanent magnet when the spool moves between its foremost right and foremost left positions (Corso, Figs. 2-3). Nevertheless, one of ordinary skill in the art would not have a

reason or rationale to combine the references in the manner suggested by the Office Action to include a sensor in the Hori device, at least for the reason that the device in Hori already includes a detection means, contrary to the assertion made by the Office Action. However, as discussed above, the detection means in Hori is configured in such a manner that the it abuts against the plate (28) during upward movement of the pushrod and in addition is not coupled to the pushrod in its protruding position. Therefore as a result, the detection means fails to detect the pushrod when it is in its protruding position, as claimed in independent claim 1 of the present application.

Thus, for at least the foregoing reasons, the references, alone or in combination, fail to teach or suggest or give a person skilled in the art a reason or motivation to combine the references in the manner suggested by the Office Action to have rendered the claimed invention obvious. Any combination of the cited references fails to fails to teach or suggest a remote control having, *inter alia*, a detection means for detecting every position occupied by the head end of the first pushrod, the positions including a rest position, a depressed position and a protruding position, as recited in independent claim 1. The references thus would not have rendered the claimed invention obvious.

Claims 2-18 are variously depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Claims 2, 3, 16, 17; Claim 19

The Office Action rejects claims 2, 3, 16 and 17 under 35 U.S.C. §103(a) as unpatentable over Gerbier in view of U.S. Patent No. 6,786,237 to Yajima et al. (hereinafter "Yajima") and rejects claim 19 under 35 U.S.C. §103(a) as unpatentable over Hori in view of Corso as applied to claim 17 above, and further in view of U.S. Patent No. 5,313,844 to Kadlicko (hereinafter "Kadlicko"). Applicant respectfully traverses the rejections.

The above discussion with respect to claims 1, 13, 14 and 18 under 35 U.S.C. §102 is incorporated herein by reference; and the above discussion with respect to claims 1-18 under 35 U.S.C. §103 is incorporated herein by reference.

By this Amendment, claim 1 is amended to recite a remote control comprising *inter alia*, a detection means for detecting every position occupied by the head end of the first pushrod, the positions including a rest position, a depressed position and a protruding position. Support for these amendments can be found in the specification (See pages 2-3 and 6-7). Accordingly, Gerbier fails to disclose, and likewise fails to teach or suggest a remote control device having all of the positively recited features of independent claim 1 as amended, and described above. Yajima fails to overcome these deficiencies.

Accordingly, reconsideration and withdrawal of the rejection to claims 2, 3, 16 and 17 are respectfully requested.

Furthermore, as also discussed above, the Hori and Corso references, alone or in combination, fail to teach or suggest, or give one skilled in the art a reason or motivation to combine the references in the manner suggested by the Office Action that would have rendered the claimed invention obvious as recited in independent claim 1. Claim 19 depends from claim 1 and thus is patentable for at least the reasons that claim 1 is patentable, as well as for the additional features it recites.

Accordingly, reconsideration and withdrawal of the rejection to claim 19 are respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Joel S. Armstrong
Registration No. 36,430

WPB:SQL/lmf

Attachment:
Petition for Extension of Time

Date: August 4, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461